



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,674	11/04/2003	Atsushi Ayabe	244846US2	6480
22850	7590	10/31/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			TO, TUAN C	
		ART UNIT		PAPER NUMBER
				3663
DATE MAILED: 10/31/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/699,674	AYABE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Tuan C. To	3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 October 2004 and 15 August 2005.

2a)  This action is **FINAL**.                                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) 10-15 is/are withdrawn from consideration.

5)  Claim(s) 1,2,7 and 8 is/are allowed.

6)  Claim(s) 3 and 9 is/are rejected.

7)  Claim(s) 4-6 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 04 November 2003 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takatori et al. (U.S. 20020175036A1) and in view of Noda et al. (US 20020019293A1).

With respect to claims 3 and 9, the U.S. reference No. '036A1 to Takatori et al. has been cited as teaching a lockup control device for a torque converter of automatic

transmission, comprising a torque converter provided with a lockup clutch (Takatori et al., page 1, paragraph [0010]; Figure 1, torque converter 3, lockup clutch 4), a transmission controller (20) controls the transmission (2) similarly as the controller recited by the applicant. Takatori et al. clearly teach the limitation "a controller that controls, while the vehicle is coasting in a fuel-cut state, an oil pressure of the lockup clutch through a feedback control using a hydraulic device so that a slip rotation speed of the lockup clutch matches a target slip rotation speed" (see Takatori et al., page 3, paragraph [0053] through paragraph [0059]; figure 5B)

Takatori et al. do not disclose the following: "the controller is adapted to calculate the slip rotation speed of the lockup clutch, and set the calculated slip rotation speed as the target slip rotation speed if a downshift of the automatic transmission is executed."

Noda et al. has been provided to overcome the missing features from Takatori et al. by teaching an automatic transmission system including a controller for use with said automatic transmission. The controller is configured to calculate the slip rotation speed as represented as the difference between the turbine rotation speed and engine rotation speed (Noda et al., paragraphs 47, 59), and set the slip rotation speed (dN) as the target slip rotation speed (Noda et al., paragraph 82).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Takatori et al. to include the teachings as taught by Noda et al. to gain advantage therefore (i.e., during a lockup time, slip rotation speed is controlled in such a way that an actual slip rotation speed value is brought to a

target slip rotation value, therefore a possible torque fluctuation and noise may not be generated).

***Response to Arguments***

The applicant's argument regarding the election of Group I corresponding to claim 1-6 is acknowledged.

The traversal is on the ground(s) that Group II should includes claims 7-9, and that the examiner has not provided evidence that the combination do not require the particulars of the sub-combination. This is found persuasive, therefore, claims 1-9 are now examined.

Applicant's arguments with respect to claims 3 and 9 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

The examiner has performed further search to some areas that are relevant to the subject matter of claims 1, 2, 4-8, but none of the references has been found fairly suggests the limitations as claimed. Thus, claims 1, 2, 7, and 8 are set in a condition of allowance.

Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusions***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner



Tuan C To

October 19, 2005